

SENTENCING

Date: 1/25/2017

Judge: Trenga
Reporter: R. Montgomery
Start: 9:00
End: 10:44

UNITED STATES of AMERICA

Case Number: 1:15-CR-00178-002

V.

MICHAEL J. RANGLES

Counsel/Deft: Juan Milanes

Counsel/Govt: Grace Hill/Nathan Dimock/Michael O'Neill

Interpreter: _____

Court adopts PSI () without exceptions (X) with exceptions: The Def. Motion to Seal Sentencing Memo [339] is granted. The Def. Motion to Strike Government's Response [344] is argued. The Court grants in part and denies in part the def. motion [344]. The Court grants in part with respect to Ex. #1 – it should not be included - and the Court advised he did not read it in detail when he saw it. The Court denies in part the remainder of the govt.'s response. The govt. has no further objections to the PSI other than what's on their papers. The govt. plays recordings of discussions between Randles and Gallison using laptop computers. The govt. states that the def. was very active in Moneyline and based on all the factors, requests a sentence of 60 months. The govt. agrees not to oppose the time served in Spain as 'time served'. The def. amended the govt.'s forfeiture order, filling out account information that was left blank and requests time to go over the order with the def. and file the order at a later time – granted. Def. requests a sentence of time served, to include the time served in Spain, w/2 years probation. As for the govt.'s objections to the PSI, the Court sustains the govt.'s objection that the guideline sentence should include a 2 level enhancement for obstruction (§3C1.1) and the Court calculates the offense level to include a 2 level enhancement for obstruction of justice which increases the Total Offense Level to 30. A Total Offense Level of 30 with a Criminal History I increases the Imprisonment Range to 97 – 121 months. The Court overrules the govt.'s objection to the probation office's assessment of the def.'s ability to pay a fine or the costs of incarceration/supervision.

As for the def.'s objections to the PSI, the Court overrules the def.'s objection to the description of Moneyline in para. 20; the Court overrules the def.'s objection to para. 21; the Court overrules the def.'s objection to paragraph's 34, 35, 37 and 46 stating that the def. is appropriately assessed a 4 level enhancement as an organizer and leader; the Court overrules the def.'s objection to para. 44 stating that the evidence before the court is sufficient to assess the 4 level increase for the def. being in the business of laundering funds; and the Court overrules the def.'s objection to para. 50 stating that based on the govt.'s decision not to file the motion for an additional one level reduction for acceptance there is no basis for which the Court can assess an additional one level reduction.

For all the reasons stated in open court, and the 18 U.S.C. §3553 factors, the Court imposes a sentence of 48 months which reflects the time served in Spain during his extradition proceedings. The def. requests voluntary surrender which the govt. argues. The Court allows the def. to voluntarily surrender, but the def. will continue on home confinement and electronic monitoring. The def. requests to be designated to FCI Englewood or FCI Miami – granted. The govt. advised that a restitution order will be filed relatively soon.

SENTENCING GUIDELINES :

Offense Level: 28 - 30

Criminal History: I

Imprisonment Range: 60 months – 97 – 121 months

Supervised Probation: _____ to _____ Years

Supervised Release: 1 to 3 Years

Fine Range: \$ 12,500 To \$ 1,984,155.16

Restitution \$ TBD

Special Assessment \$100

Court departs from Guidelines pursuant to:

____ USSG 5H1.4

____ USSG 5K1.1

____ USSG 5K2.12

____ USSG 5C1.2

JUDGMENT OF THE COURT:

BOP for 48 months, w/credit for time served in Spain while awaiting extradition.

Supervised Release for 3 years, with special conditions.

Supervised Probation for years, with special conditions.

Fine Imposed of \$ payable immediately.

Restitution of \$ TBD payable immediately.

Special Assessment \$100

(X) Fine/costs of incarceration waived.

SPECIAL CONDITIONS:

X Deft. is to be surrendered to a duly-authorized immigration official of the Dept. of Homeland Security U.S. I.C.E. for deportation review.

X If deported, the deft. shall remain outside the U.S..

X Deft. shall apply all monies received from income tax refunds, lottery winnings, inheritances, judgments and any anticipated or unexpected financial gains, to the outstanding court-ordered financial obligation.

X Deft. shall provide the probation officer access to any requested financial information.

X Deft. shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.

X Deft. shall refrain from any self-employment or consulting work without the prior approval of the probation officer.

X Deft. shall participate in a program approved by the U.S. Probation Office for mental health treatment.

X Any restitution ordered shall be due and payable immediately, and in equal monthly payments of \$200, to commence within 60 days of release, until paid in full.

RECOMMENDATIONS to BOP:

X Dft. to be designated to FCI Englewood or FCI Miami

 Dft. designated to facility to participate in ICC (Boot Camp) type program

 Dft. to participate in the BOP 500 Hour Residential Drug Abuse Treatment Program (RDAP).

Defendant: () Remanded () Cont'd on Bond () Referred to USPO (X) Self-surrender